

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons which follow.

The Examiner objects to the disclosure under 37 CFR § 1.163(a) and rejects the claim under 35 U.S.C. 112, first and second paragraphs, as being unsupported by a clear and complete botanical description which distinguishes the cultivar from related known varieties. Favorable reconsideration and allowance of the application is requested in view of the foregoing amendments and the remarks which follow.

In order to expedite the Examiner's review of this response, Applicant will address each of the Examiner's objections in the order they were discussed in the Official Action.

A. The specification has been amended at page 1, line 10, to insert single quotation marks around the new cultivar's variety denomination.

B. The specification has been amended at page 2, to insert after line 15, a botanical comparison of the new cultivar, 'Danlisablue' to its parental cultivar, 'PTE' (unpatented).

C. The specification has been amended at page 3, lines 6 and 7, to delete the sentence reading "The photographic drawing shows a side view of a 'Danlisablue' plant."

The specification has further been amended at page 3, line 3, to change the heading word, "DRAWING" to read "DRAWINGS", and at page 3, line 4, to delete the terms, "photographic drawings" and insert the term "photographs".

D. The specification has been amended at page 3, lines 8 and 9, to delete both occurrences of the term 'Danlisablue' and replace them with 'Danlisablue'.

E. The specification has been amended at page 4, line 22, to clarify the number of days to produce a rooted cutting of 'Danlisablue'.

F. The specification has been amended at page 5, lines 1-6, to provide the typical and observed measurements for the diameter and internode length of 'Danlisablue'.

G. The specification has been amended at page 6, lines 14 and 15, to provide the RHS color designations for the calyx of 'Danlisablue'.

H. The specification has been amended at page 6, to insert after line 19, the typical and observed flower depth measurements of 'Danlisablue'.

I. The specification has been amended at page 6, to insert before line 20, the subheading "Petal".

J. The specification has been amended at 6, line 22, to provide a description for the overall petal shape, apex shape and base shape of 'Danlisablue'.

K. The specification has been amended at page 7, lines 13-15, to clarify that 'Danlisablue' has green, transparent sepals which cover the white and light violet calyx.

L. The specification has been amended at 8, line 12, to delete the phrase "; 50-100 in quantity on each anther".

M. The specification has been amended at page 8, to insert after line 13, a description of the hardness of 'Danlisablue'.

N. The specification has been amended at page 3, to remove the reference to "Figure 1" and to clarify the branching type numbers in Chart 1.

In addition, the Applicant has amended the specification to correct any spacing or typographical errors.

Due to the number of changes and/or corrections, Applicant hereby files a Substitute Specification containing no new matter. The Examiner is authorized to cancel the specification as filed in favor of the attached Substitute Specification.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date June 21, 2005
Richard C. Peet

By Richard C. Peet

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5483
Facsimile: (202) 672-5399

Richard C. Peet
Attorney for Applicant
Registration No. 35,792